

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

INDICTMENT

- v. - :

S4 08 Cr. 857 (GBD)

JOSE CERDA, :

AMAURY MENDOZA, :

a/k/a "Bebe," :

MARIO PULGARIN, :

a/k/a "Amigo," :

DAVID PULGARIN, :

HERMINIO CASTRO, :

FNU LNU, :

a/k/a "Palomo," :

HORACE LINDO, :

NOEL WADE, :

a/k/a "Judas," :

ANDREW DRAKE, :

JOSE RENTERIA-VILLARREAL, :

FRANKLIN BRISITA, :

MANUEL RAMIREZ, :

DANIEL CERDA, :

a/k/a "Chiquillo," :

GIOVANNI PETILLO, :

a/k/a "Geo," :

a/k/a "Giovanny Pettillo," :

CARLOS EDUARDO CARBAJAL-SOLEDA, :

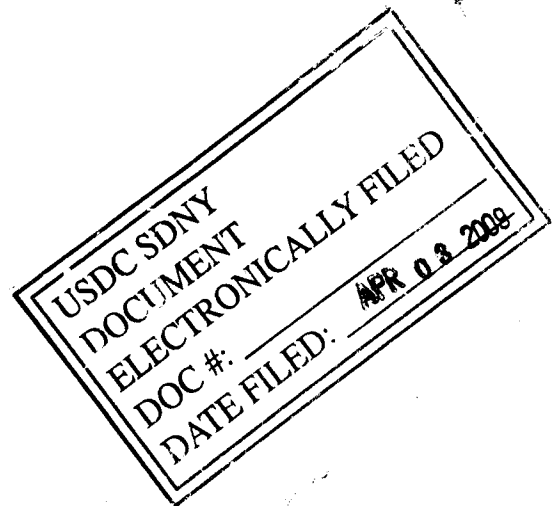
HENRY COLLADO, :

a/k/a "Franklin," and :

YEFFRI GARCIA, :

Defendants. :

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COUNT ONE

The Grand Jury charges:

1. From at least in or about May 2006, up to and including in or about September 2008, in the Southern District of New York and elsewhere, JOSE CERDA, AMAURY MENDOZA, a/k/a "Bebe," MARIO PULGARIN, a/k/a "Amigo," DAVID PULGARIN, HERMINIO CASTRO, FNU LNU, a/k/a "Palomo," HORACE LINDO, NOEL WADE, a/k/a "Judas,"

ANDREW DRAKE, JOSE RENTERIA-VILLARREAL, FRANKLIN BRISITA, MANUEL RAMIREZ, DANIEL CERDA, a/k/a "Chiquillo," and GIOVANNI PETILLO, a/k/a "Geo," a/k/a "Giovanny Pettillo," the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE CERDA, AMAURY MENDOZA, a/k/a "Bebe," MARIO PULGARIN, a/k/a "Amigo," DAVID PULGARIN, HERMINIO CASTRO, FNU LNU, a/k/a "Palomo," HORACE LINDO, NOEL WADE, a/k/a "Judas," ANDREW DRAKE, FRANKLIN BRISITA, MANUEL RAMIREZ, and DANIEL CERDA, a/k/a "Chiquillo," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

3. It was further a part and an object of the conspiracy that JOSE CERDA, HORACE LINDO, JOSE RENTERIA-VILLARREAL, and GIOVANNI PETILLO, a/k/a "Geo," a/k/a "Giovanny Pettillo," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute 100 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).

4. It was further a part and an object of the conspiracy that JOSE CERDA and HERMINIO CASTRO, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute 500 grams of mixtures and substances containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Acts

5. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. From at least in or about May 2006, up to and including at least in or about August 2006, AMAURY MENDOZA, a/k/a "Bebe," the defendant, provided a stash house for JOSE CERDA, the defendant, to store cocaine at an auto shop in the Bronx, New York.

b. From at least in or about May 2006, up to and including at least in or about August 2006, JOSE CERDA stored multiple kilograms of cocaine at an auto shop in the Bronx, New York.

c. In or about May 2006, DANIEL CERDA, a/k/a "Chiquillo," the defendant, distributed approximately 15 kilograms of cocaine, in the Bronx, New York.

d. In or about September 2007, AMAURY MENDOZA, a/k/a "Bebe," arranged to distribute 5 kilograms of cocaine to a co-conspirator not named herein.

e. In or about September 2007, HERMINIO CASTRO, the defendant, transported approximately 5 kilograms of cocaine in the Bronx, New York.

f. In or about October 2007, JOSE CERDA stored multiple kilograms of cocaine at a car dealership in the Bronx, New York.

g. On or about November 2, 2007, FRANKLIN BRISITA and MANUEL RAMIREZ, the defendants, discussed an incoming shipment of approximately 20 kilograms of cocaine.

h. On or about November 2, 2007, MANUEL RAMIREZ possessed approximately 20 kilograms of cocaine.

i. On or about November 28, 2007, MARIO PULGARIN, a/k/a "Amigo," the defendant, discussed efforts by JOSE CERDA to collect proceeds from a cocaine transaction.

j. On or about December 11, 2007, JOSE CERDA and HORACE LINDO, the defendant, discussed the arrival of a shipment of marijuana.

k. On or about December 11, 2007, JOSE RENTERIA-VILLAREAL, the defendant, transported approximately 1,326 pounds of marijuana, in the Bronx, New York.

l. On or about January 7, 2008, HORACE LINDO and JOSE CERDA discussed plans to apprehend and kidnap a co-

conspirator not named herein, whom CERDA suspected of stealing approximately 20 kilograms of cocaine and approximately \$1.15 million of proceeds from narcotics transactions.

m. On or about January 9, 2008, MARIO PULGARIN, a/k/a "Amigo," possessed monetary proceeds from a narcotics transaction.

n. On or about January 23, 2008, FNU LNU, a/k/a "Palomo," the defendant, gave orders to kidnap the relative of a co-conspirator not named herein, whom JOSE CERDA suspected of stealing approximately 20 kilograms of cocaine and approximately \$1.15 million of proceeds from narcotics transactions.

o. On or about February 1, 2008, JOSE CERDA and GIOVANNI PETILLO, a/k/a "Geo," a/k/a "Giovanny Pettillo," the defendant, discussed PETILLO's payment of a debt from a narcotics transaction.

p. On or about February 19, 2008, NOEL WADE, a/k/a "Judas," the defendant, and HORACE LINDO discussed the delivery of a quantity of cocaine in the Bronx, New York.

q. On or about February 26, 2008, ANDREW DRAKE, the defendant, delivered proceeds from a narcotics transaction to HORACE LINDO.

r. On or about March 24, 2008, JOSE CERDA instructed DAVID PULGARIN, the defendant, to collect a narcotics-related debt owed by HORACE LINDO.

s. On or about March 24, 2008, DAVID PULGARIN, traveled to 2910 Mickle Avenue, Bronx, New York.

t. On or about May 21, 2008, JOSE CERDA and GIOVANNI PETILLO, a/k/a "Geo," a/k/a "Giovanny Pettillo," discussed a debt owed by PETILLO in connection with a marijuana transaction.

u. On or about September 3, 2008, HERMINIO CASTRO transported approximately 7.5 pounds of crystal methamphetamine.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

6. From at least on or about the Fall of 2008, up to and including on or about March 7, 2009, in the Southern District of New York and elsewhere, CARLOS EDUARDO CARBAJAL-SOLEDA, HENRY COLLADO, a/k/a "Franklin," and YEFFRI GARCIA, the defendants, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

7. It was a part and an object of the conspiracy that CARLOS EDUARDO CARBAJAL-SOLEDA, HENRY COLLADO, a/k/a "Franklin," and YEFFRI GARCIA, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures

and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A), of Title 21 of the United States Code.

Overt Acts

8. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about March 1, 2008, HENRY COLLADO, a/k/a "Franklin," and YEFFRI GARCIA, the defendants, traveled from Manhattan to a location in New Jersey to pick up approximately 55 kilograms of cocaine.

b. On or about March 6, 2008, CARLOS EDUARDO CARBAJAL-SOLEDA, the defendant, traveled to a location in Queens to meet with other individuals to discuss payment for a cocaine delivery.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATIONS

9. As a result of committing the controlled substance offense alleged in Counts One and Two of this Indictment, JOSE CERDA, AMAURY MENDOZA, a/k/a "Bebe," MARIO PULGARIN, a/k/a "Amigo," DAVID PULGARIN, HERMINIO CASTRO, FNU LNU, a/k/a "Palomo," HORACE LINDO, NOEL WADE, a/k/a "Judas," ANDREW DRAKE, JOSE RENTERIA-VILLARREAL, FRANKLIN BRISITA, MANUEL RAMIREZ, DANIEL CERDA, a/k/a "Chiquillo," GIOVANNI PETILLO, a/k/a "Geo,"

a/k/a "Giovanny Pettillo," CARLOS EDUARDO CARBAJAL-SOLEDA, HENRY COLLADO, a/k/a "Franklin," and YEFFRI GARCIA, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the narcotics violations alleged in Count One of this Indictment, including but not limited to:

a. a sum of money representing the amount of proceeds obtained as a result of the controlled substance offense for which the defendants are liable.

10. If any of the forfeitable property described above in Paragraph 6, as a result of any act or omission of JOSE CERDA, AMAURY MENDOZA, a/k/a "Bebe," MARIO PULGARIN, a/k/a "Amigo," DAVID PULGARIN, HERMINIO CASTRO, FNU LNU, a/k/a "Palomo," HORACE LINDO, NOEL WADE, a/k/a "Judas," ANDREW DRAKE, JOSE RENTERIA-VILLARREAL, FRANKLIN BRISITA, MANUEL RAMIREZ, DANIEL CERDA, a/k/a "Chiquillo," GIOVANNI PETILLO, a/k/a "Geo," a/k/a "Giovanny Pettillo," CARLOS EDUARDO CARBAJAL-SOLEDA, HENRY COLLADO, a/k/a "Franklin," and YEFFRI GARCIA, the defendants:

a. cannot be located upon the exercise of due diligence;

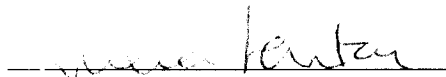
b. has been transferred or sold to, or deposited with, a third person;


c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)

  
FOR PERSON

  
LEV L. DASSIN  
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK

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DAVID PULGARIN, HERMINIO CASTRO,  
FNU LNU, a/k/a "Palomo," HORACE LINDO,  
NOEL WADE, a/k/a "Judas," ANDREW DRAKE,  
JOSE RENTERIA-VILLARREAL,  
FRANKLIN BRISITA, MANUEL RAMIREZ,  
DANIEL CERDA, a/k/a "Chiquillo,"  
GIOVANNI PETILLO, a/k/a "Geo," a/k/a  
"Giovanny Pettillo," CARLOS EDUARDO  
CARBAJAL-SOLEDA, HENRY COLLADO, a/k/a  
"Franklin," and YEFFRI GARCIA,

Defendants.

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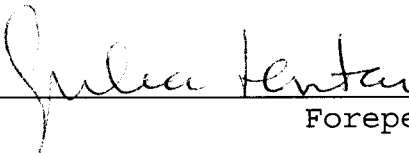
INDICTMENT

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(21 U.S.C. §§ 812, 841(a)(1),  
841(b)(1)(A), 841(b)(1)(B), and 846.)

LEV L. DASSIN  
Acting United States Attorney.

A TRUE BILL

  
Foreperson.

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*4/2/09* *FD Secretary 4-2-09* *Mr. Tule V. G.*